

1           **FRANCIS MAILMAN SOUMILAS, P.C.**

2           James A. Francis (*pro hac vice*)  
3           Lauren KW Brennan (*pro hac vice*)  
4           1600 Market Street, Suite 2510  
5           Philadelphia, PA 19103  
6           Tel. (215) 735-8600  
7           Fax. (215) 940-8000

8           Attorneys for Plaintiff Shosha Kellman

9           *Additional attorneys on signature page*

10           UNITED STATES DISTRICT COURT  
11           NORTHERN DISTRICT OF CALIFORNIA

12           SHOSHA KELLMAN, on behalf of herself  
13           and all others similarly situated,

14           Plaintiff,

15           v.

16           WFM PRIVATE LABEL, L.P., WHOLE  
17           FOODS MARKET CALIFORNIA, INC.,  
18           WHOLE FOODS MARKET SERVICES,  
19           INC., and WHOLE FOODS MARKET  
20           DISTRIBUTION, INC.

21           Defendants.

22           Case No. 17-cv-06584-LB

23           **STIPULATION AND ~~PROPOSED~~  
24           ORDER VACATING DEADLINES  
25           IN LIGHT OF SETTLEMENT**

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1 Pursuant to Civ. L.R. 7-11, Plaintiff Shosha Kellman (“Plaintiff”) and Defendants WFM  
2 Private Label, L.P. (“WFM Private Label”), Whole Foods Market California, Inc. (“WFM  
3 California) and Whole Foods Market Services, Inc. (“WFM Services” and collectively  
4 “Defendants”) and by and through their counsel of record, state as follows:

5 1. Pursuant to the Parties’ stipulation on March 15, 2023 (ECF 210), the Court set certain  
6 deadlines for further proceedings in this matter, including class certification experts, class  
7 certification briefing, and dispositive motions. ECF No. 211.

8 2. In their May 1, 2023 stipulation to extend those deadlines, the Parties noted that they  
9 have been in negotiations to settle the case, and requested a short extension of deadlines to  
10 accommodate their discussions, which the Court granted. ECF Nos. 212-213.

11 3. On May 5, 2023, the Parties reached an agreement in principle to settle this matter on  
12 an individual basis.

13 4. The Parties have met and conferred and agree, subject to the Court’s approval that, in  
14 light of the agreement in principle to settle this matter and to promote efficiency and conserve  
15 judicial and party resources, the remaining deadlines set forth in the most recent scheduling  
16 order, ECF No. 213, should be vacated to allow the Parties to finalize the details of the  
17 settlement.

18 5. The Parties will move promptly to dismiss the action with prejudice upon execution of  
19 a final settlement agreement, which they expect to complete within thirty (30) days.

20 6. The Parties therefore jointly and respectfully request that all pre-trial deadlines be  
21 vacated, and propose to file either a motion dismiss or a status report with the Court by June 12,  
22 2023.

23 IT IS SO STIPULATED.  
24

25 DATED: May 12, 2023  
26

FRANCIS MAILMAN SOUMILAS, P.C.  
By \_\_\_\_\_  
*/s/ James A. Francis*

1 JAMES A. FRANCIS  
2 Attorneys for Plaintiff  
3 SHOSHA KELLMAN  
4  
5 BLAXTER | BLACKMAN LLP

6 DATED: By: /s/ Brian R. Blackman  
7 BRIAN R. BLACKMAN  
8 J.T. WELLS BLAXTER  
9 Attorneys for Defendant  
WFM PRIVATE LABEL, LP, WHOLE FOODS  
MARKET CALIFORNIA, INC. and WHOLE  
FOODS MARKET SERVICES, INC.

10  
11 **ATTESTATION**  
12

13 I, James A. Francis am the ECF User whose identification and password are being used  
14 to file this Joint Motion. In compliance with Civil L.R. 5-1(i)(3), I attest that Brian Blackman  
15 has concurred in this filing.

16 /s/ James A. Francis  
17 JAMES A. FRANCIS

18 **ORDER**  
19

20 Pursuant to the Parties' Stipulation and for good cause shown, it is hereby ORDERED that  
21 all deadlines set forth in the operative Scheduling Order at ECF No. 213 are VACATED. The  
22 Parties shall file either a motion to dismiss the case with prejudice or a status report no later than  
23 June 12, 2023.

24 Dated: May 15, 2023



25 Hon. Laurel Beeler  
26 UNTIED STATES MAGISTRATE JUDGE  
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